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ALEXANDER L. STEVAS
CLERK

Case No. 84-658

IN THE UNITED STATES SUPREME COURT

October 1984 Term

In re:	)
	)
LEWIS W. SHURTLEFF, INC., and FRONTIER PROPERTIES,	)
	)
Debtors.	)
	)
	)
THOMAS D. ELLIOTT, TRUSTEE,	)
	)
Appellee.	)

APPELLEE'S MOTION TO DISMISS OR IN THE ALTERNATIVE TO AFFIRM THE JUDGMENTS

Joel C. Estes, Esq.
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1010 Second Avenue, Ninth Floor
San Diego, CA. 92101
(619) 234-2111

Attorneys for Appellee

IN THE UNITED STATES SUPREME COURT

In re:	)	No. 84-658
	)	
LEWIS W. SHURTLEFF, INC., and FRONTIER PROPERTIES,	)	
	)	
Debtors.	)	
	)	
	)	
THOMAS D. ELLIOTT, TRUSTEE,	)	
	)	
Appellee.	)	
	)	

APPELLEE'S MOTION TO DISMISS OR IN THE ALTERNATIVE TO AFFIRM THE JUDGMENTS

Pursuant to Rules 16.1(a) and (c) of this Court, Thomas D. Elliott, Appellee, moves to dismiss the above-numbered appeal, or alternatively, affirm the judgments sought to be reviewed.

Appellee joins in and hereby adopts the Appellee's Motion to Dismiss or in

the Alternative to Affirm the Judgments filed herein on behalf of Appellee Joel C. Estes

Respectfully submitted,

_____

Joel C. Estes, Attorney for
Thomas D. Elliott, Appellee

Estes & Hoyt, A Professional Corporation
of counsel

IN THE UNITED STATES SUPREME COURT

In re:	)	No. 84-658
	)	
LEWIS W. SHURTLEFF, INC., and FRONTIER PROPERTIES,	)	
	)	
Debtors.	)	
	)	
	)	
THOMAS D. ELLIOTT, TRUSTEE,	)	
	)	
Appellee.	)	
	)	

AFFIDAVIT OF SERVICE BY MAIL

I, Paula Prochazka, declare:

On November 16, 1984, I served APPELLEE'S MOTION TO DISMISS OR IN THE ALTERNATIVE TO AFFIRM THE JUDGMENTS as follows:

Clerk, U.S. Court of Appeals For The Ninth Circuit, P.O. Box 547, San Francisco, CA. 94101

Clerk, U.S. District Court, 940 Front Street
San Diego, California 92189

Clerk, U.S. Bankruptcy Court, 940 Front Street
San Diego, California 92189

Donald Merkin, Esq.
4420 Hotel Circle Court, Suite 130
San Diego, California 92108

Mr. John Ross
P.O. Box 19547
San Diego, California 92119

Thomas D. Elliott
511 First Avenue, Suite 207
Encinitas, California 92024

Kevin T. Wirsing, Esq.
101 West Broadway, Suite 1200
San Diego, California 92101

by depositing copies of the document in a separate sealed envelope addressed as above-

indicated and by depositing said envelopes in the United States mail at San Diego, California, on the date of this Affidavit.

Paula Prochazka

Paula Prochazka

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On November 16, 1984, before me, the undersigned, a Notary Public in and for said State, personally appeared Paula Prochazka, personally known to me to be the person whose name is subscribed to the within Affidavit and acknowledged that she executed same.

Laurie J. Smith

Laurie J. Smith, Notary Public

OFFICIAL SEAL
LAURIE J. SMITH
NOTARY PUBLIC - CALIFORNIA
SAN DIEGO COUNTY
MY COMMISSION EXPIRES SEP 27, 1985

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